



The Catholic Civil Rights League

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Quebec's proposed religious symbol ban restricts freedom

MONTREAL, QC September 11, 2013 (CCRL) – The Quebec government's plan to introduce a "Charter of Quebec Values" was announced last year, but some details of its implications for religious freedom were leaked to the press in August and confirmed Sept. 10, when the government unveiled the proposal.

The legislation would ban most religious symbols from public institutions, and public employees would not be permitted to wear religious items such as hijabs, kippas, turbans and "ostentatious crucifixes." The ban would extend to all the province's public services, such as daycares, schools, hospitals and government offices.

Despite the ban, the crucifix in Quebec's National Assembly and the cross at the top of Mount Royal would remain, since according to the government they are symbols of Quebec's "heritage."

"In a society that guarantees religious freedom, it is difficult to see how such a sweeping ban could withstand a constitutional challenge," said League Executive Director Joanne McGarry. "Canada's understanding of secularism, among other elements, is that the state does not favour any one religion, but rather welcomes all. Few, if any, would regard a ban on religious symbols as welcoming."

There will always be individual cases where religious freedom is tested, but the expectation is that religious differences are accommodated to the point of undue hardship. There have been a number of court and tribunal cases testing religious freedom, but almost all of them involved a second right or factor that had to be balanced with it, such as safety, proof of identity or unacceptable levels of inconvenience to others. In the Multani case, for example, the Supreme Court of Canada ruled that a Sikh ceremonial dagger could be worn to school since no danger to others had been established. The Court upheld the right of the Alberta government to insist on photo identification on the drivers' licenses of Hutterites, despite the fact that their religion

does not allow them to be photographed. While not everyone agreed with these decisions, it is obvious they involved more than the simple right to religious freedom.

Such conflicts are not uncommon in Quebec, where a fiery debate erupted earlier this year over a ban on wearing turbans on Quebec soccer fields. The turban ban was lifted by the Quebec Soccer Federation due to external pressure — but not before it made headlines around the world.

As Charles Taylor, co-author of the Taylor-Bouchard Report on Reasonable Accommodation said when the Quebec proposals were leaked to the press, the fact that public insti-



tutions are expected to be neutral on religious matters does not mean the people working in them are. A sweeping ban on the wearing of religious or cultural symbols would limit employees' religious freedom, and it would probably also increase the sense of exclusion of minorities and of religious believers.

The ban would also prove discriminatory, in that the groups affected are minorities. Few Christians are required to wear outward symbols of faith, but many Hindus, Sikhs and Muslims are. Some debate whether some of these requirements are "official" or a matter of personal interpretation, but in a society valuing religious freedom that is not a question with which the state should be involved.

The proposed ban on religious symbols is clearly an issue of religious freedom, and also raises a second question: just how far the state can go in imposing religious conformity on its citizens. This question will undoubtedly be discussed in detail in the appeal of [Loyola High School's](#) request to teach Quebec's Ethics and Religious Culture course from a Catholic standpoint. The League is now participating in plans for an intervention in this appeal.

League testifies at Manitoba hearings

The Catholic Civil Rights League, represented by Manitoba director Francine Lee, appeared before the provincial legislative committee hearings into Bill 18 on Sept. 11. The League said the province should ask the Manitoba Court of Appeal for a reference on the constitutionality of the bill, citing its lack of protection for religious rights. We argued that anti-bullying policies need to be comprehensive and geared to helping all students, not singling out those penalized for sexual orientation or gender issues. Visit our website to read the complete presentation.

Blogger seeks end to abortion stats secrecy, takes Ontario government to court

OTTAWA , July 18, 2013— “In January 2012, the Ontario Liberal government amended its freedom of information law to exempt any abortion-related data from Freedom of Information (FOI) requests. As a blogger and a member of the new media, I'm taking on the government and challenging them over this undemocratic move. Taxpayers should know how their tax dollars are being spent,” explains Patricia Maloney.

By means of Bill 122, the Broader Public Sector Accountability Act, the Ontario government amended the Freedom of Information and Protection of Privacy Act (FIPPA) to restrict data relating to the “provision of abortion services” from the public. There is no recorded debate in Hansard of

this amendment, and it did not come to the public's attention until after the provision came into effect and Maloney exposed it.

Maloney, the author behind the blog Run with Life, discovered the amendment when the Ministry of Health responded to an FOI request she made in March 2012. After she broke the story on her blog, the amendment caught the attention of the national media. Among others, Margaret Somerville covered it for the Calgary Herald and Barbara Kay wrote about it in the National Post.

“I'm not interested in patient or physician names, or the identification of hospitals. I respect the dual purposes of freedom of information laws; to ensure government accountability by providing information to taxpayers while ensuring the privacy of Canadian citizens. But data relating to provincial trends and rates of a publicly funded medical procedure are fair game,” elaborates Maloney. “The government has not restricted this type of generalized data for any other medical procedure. This amendment is without precedent or justification.”

“And without this data, how will we know if safe-sex campaigns are effective? Or the sex-education program that Premier Kathleen Wynne has promised to introduce?” Maloney asks. “Or if there is a sudden spike in tween or teen abortions? This is an important healthcare issue. And now the public is running blind on a government expenditure previously identified as costing as much as 30 to 50 million dollars each year.”

In March 2013, the Ministry of Health denied Maloney's FOI request. Maloney retained constitutional lawyer Albertos Polizogopoulos, and appealed the decision to the Information and Privacy Commissioner (IPC). The IPC upheld the Ministry's decision stating that the new section to the FIPPA was clear in its exclusion of documents relating to the provision of abortion services. Maloney is now seeking a reconsideration of the IPC's Order (by the IPC) and a Judicial Review of the Order (by the Ontario Divisional Court).

“As a blogger, Ms. Maloney benefits from the freedom of expression and freedom of the press guaranteed by the Charter of Rights and Freedoms,” explains lawyer Albertos Polizogopoulos. “The Charter protects her right to com-

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ment on matters of public interest. The allocation of taxpayer funds for a medical procedure which remains the source of much controversy is certainly a matter of public interest and the suppression of that information cannot be justified in law.”

For more information on this case, the amendment to FIP-PA and additional news coverage, please visit Maloney’s blog at <http://run-with-life.blogspot.ca/p/blog-page.html>.

The League is helping to support this case.

CCRL responds to euthanasia proposal

The Catholic Civil Rights League has serious concerns about the Quebec government’s introduction of legislation to legalize euthanasia in that province under certain conditions.

Bill 52 prescribes, notably, the conditions allowing a person to obtain medical assistance to die as well as the requirements that must be respected before a doctor can administer it.

“If this proposal becomes law, Quebec would be putting some of its most vulnerable citizens – the terminally ill, the frail elderly and the handicapped – in danger of being pressured to end their lives prematurely,” said Joanne McGarry, League executive director. The League has always supported respect for life at every stage, and a greater commitment to palliative and other end of life care, as well as support for the disabled and their families.

The legislation would allow doctors to administer lethal drugs to patients whose lives are nearing the end and who are in excruciating pain that cannot be relieved by drugs. Among other conditions, the patient must be of legal age, lucid and make the request consistently over a period of time.

The bill, which deals broadly with end-of-life care, stipulates that all patients have a right to palliative care, and would also expand access to palliative services across the province. It would also bring formal rules that govern how and when doctors can sedate patients until they die of natural causes.

While the expansion of palliative care is positive - fear of being a burden to family members and of not having adequate pain relief and general care are both major reasons why some people believe euthanasia and assisted suicide must be available – the League believes that the inclusion of provisions for euthanasia in the bill are unnecessary and dangerous.

Also of concern to the League, while this proposed legislation allows doctors to refuse to participate in euthanasia requests, it implies that they must participate in a process referring the request to a more willing provider. There appears to be no provision for the religious and conscientious rights of other members of the health care team. As we have seen on the question of abortion, legalization can lead to pressure on health care workers to participate in activities they find morally objectionable.

SCC hears prostitution appeal

On June 13 the League presented its intervention in the Supreme Court of Canada appeal of the prostitution case, in which the plaintiffs seek to remove Criminal Code prohibitions against the practice of prostitution. With our co-interveners REAL Women of Canada and Christian Legal Fellowship, we emphasized that the laws in question reflect the shared morality of Canadians, are intended to provide some protection to prostitution’s victims and should not be struck. Many thanks to Rob Staley and Ranjan Agarwal of the law firm Bennett-Jones for capably representing us at the SCC.

The SCC will consider whether sections 210 (keeping a common bawdy house), 212 (1)(j) (living on the avails of prostitution) and 213 (1) (c) (communicating for the purposes of engaging in prostitution) of the Criminal Code infringe the Charter in a manner that cannot be justified in a free and democratic society, and are therefore unconstitutional. The Ontario Court of Appeal upheld the restriction on soliciting in public for purposes of prostitution. Together with CLF and REAL Women, the League believes morality is a cornerstone of the impugned laws. In addition, the impugned laws relate to the type of conduct that the community, through Parliament, can determine to be appropriate in public - as opposed to private - places. Finally, it is our view that Parliament designed the impugned laws to protect the dignity of prostitution’s victims, and it is the coalition’s common goal to protect human dignity.

Loyola High School's ERC course Appeal to be heard by SCC

Loyola High School, the Montreal Jesuit high school that sought to teach Quebec's Ethics and Religious Culture course within the parameters of its Catholic philosophy, will have its appeal heard by the Supreme Court of Canada, it was announced in June. The province of Quebec refused to grant the 160-year old Catholic boys' school an exemption from the course, and also turned down the school's offer of an equivalent course. Last year the Quebec Court of Appeal upheld the decision, despite a lower court siding with the school.

Key to the case is the religious freedom of institutions to operate according to their religion. The League is seeking to intervene in the appeal.

Media Watch

Twitter updates: To receive Tweets from the League, please follow @DrChristianElia

Like us on Facebook. Visit our page often (www.facebook.com/CatholicCivilRights) for polls, photographs and articles of interest that aren't included on our main web page.

Let the League know: If you see articles, notices of TV programs or other media content that you believe have serious anti-Catholic content, please contact us at cctl@cctl.ca to help us evaluate and respond in a timely way.

Mark your calendars

League AGM Oct. 24: If you live in the GTA or will be visiting in October, please join us Thursday, October 24 for our annual general meeting. We will begin with the 5:30 Mass at St. Michael's Cathedral, to be celebrated in memory of deceased members of the League, and then proceed to a nearby hall for refreshments and our meeting. It will include the launch of a book of reflections by our beloved late co-founder and President Emeritus Tom Langan. For further details, call 416-466-8244 or e-mail cctl@cctl.ca

Chapter contacts

For information about our *Windsor-Essex chapter* contact Bob Baksi at robert@baksi.com.

Antigonish chapter: Contact Don Maclellan, chapter president, at maclellan_donald@yahoo.ca for details. From September to June the chapter meets the first Tuesday of each month.

St. Catharines chapter: Contact Justin O'Donnell at justinodonnell@cogeco.ca.

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